

## II. Listing of Claims

The following listing of claims replaces all prior versions and lists of the claims in this application.

1. (Original) An assembly for preparing an intervertebral disc space between a pair of vertebral bodies to receive a prosthesis, the assembly comprising:
  - a distractor, wherein the distractor comprises a first distracting arm and a second distracting arm; and
  - a first anchoring fastener for movably coupling the first distracting arm to a first one of the vertebral bodies,
  - wherein the first anchoring device is rotatable relative to the first distracting arm.
2. (Original) The assembly of claim 1 further comprising a second anchoring device for movably coupling the second distracting arm to a second one of the vertebral bodies.
3. (Original) The assembly of claim 1 wherein the first and second distracting arms are movable in a parallel relationship, wherein the first anchoring fastener rotatably couples the first distracting arm to the first vertebral body, and further wherein the first vertebral body rotates relative to the first distracting arm as the first and second distracting arms move in a parallel relationship.
4. (Original) The assembly of claim 1 further comprising an instrumentation guide attached to the first distracting arm.
5. (Original) The assembly of claim 4 wherein the first distracting arm comprises an attachment guide, wherein the instrumentation guide is attached to the first distracting arm by the attachment guide.

6. (Original) The assembly of claim 5 wherein the attachment guide is a mechanical connector on the first distracting arm.
7. (Original) The assembly of claim 4 further comprising a measurement instrument attached to the instrumentation guide.
8. (Original) The assembly of claim 4 further comprising a shaping instrument attached to the instrumentation guide.
9. (Original) The assembly of claim 8 wherein the attachment of the shaping instrument to the instrumentation guide is adjustable as the first vertebral body rotates relative to the first distracting arm.
10. (Original) The instrumentation guide of claim 8 further comprising a spring-loaded retention assembly for holding the shaping instrument to the instrumentation guide.
11. (Original) The assembly of claim 1 wherein the first anchoring fastener comprises a partially spherical portion.
12. (Currently Amended) The assembly of claim 11 wherein the first distracting arm comprises an elongated slot, wherein the first anchoring fastener engages the elongated slot ~~sle~~, and further wherein the spherical portion rotates in the elongated slot relative to the first distracting arm.
- 13-21. (Canceled)
22. (Original) An assembly for preparing an intervertebral disc space between first and second vertebral bodies to receive a prosthesis, the assembly comprising:  
a distractor, wherein the distractor comprises a first distracting arm in parallel relation to a second distracting arm;

a first anchoring fastener extending between the first distracting arm and the first vertebral body, wherein the first anchoring fastener comprises a first partially spherical portion and the first distracting arm comprises a first slot and further wherein the first partially spherical portion pivotally engages the first slot; and

a second anchoring fastener extending between the second distracting arm and the second vertebral body, wherein the second anchoring fastener comprises a second partially spherical portion and the second distracting arm comprises a second slot and further wherein the second partially spherical portion pivotally engages the second slot.

23. (Original) The assembly of claim 22 further comprising an instrumentation guide attached to the first distracting arm.

24. (Original) The assembly of claim 23 further comprising a milling instrument pivotally attached to the instrumentation guide.

25. (Previously Presented) An apparatus for distracting and preparing a first vertebra and a second vertebra, comprising:

a first anchoring element having a head portion and a bone engaging portion;

a second anchoring element having a head portion and a bone engaging portion;

a first distractor arm having a first opening, the head portion of the first anchoring element being received within the first opening;

a second distractor arm extending substantially parallel to the first distractor arm, the second distractor arm having a second opening, the head portion of the second anchoring element being received within the second opening;

wherein the first distractor arm is movable with respect to the second distractor arm for distracting the first and second vertebrae;

wherein the first distractor arm may pivot about the head portion of the first anchoring element when the bone engaging portion of the first anchoring element is securely engaged with the first vertebra; and

wherein the second distractor arm may pivot about the head portion of the second anchoring element received in the second opening when the bone engaging portion of the second anchoring element is securely engaged with the second vertebra.

26. (Previously Presented) The apparatus of claim 25 wherein the first distractor arm remains substantially parallel to the second distractor arm when moved to distract the first and second vertebrae.

27. (Previously Presented) The apparatus of claim 25 further comprising an instrumentation guide removably attached to the first distractor arm.

28. (Previously Presented) The apparatus of claim 27 wherein the first distractor arm further comprises an attachment guide, and wherein the instrumentation guide is removably attached to the first distractor arm via the attachment guide.

29. (Previously Presented) The assembly of claim 28 wherein the attachment guide comprises a slot extending at least partially along the length of the first distractor arm.

30. (Previously Presented) The assembly of claim 29 wherein at least a portion of the the slot is t-shaped.

31. (Previously Presented) The assembly of claim 25, wherein the first distractor arm is connected to the second distractor arm via a cross bar member.

32. (Previously Presented) The assembly of claim 31, wherein the cross bar member is part of a ratchet system.

33. (Previously Presented) The assembly of claim 25, wherein the head portions of the first and second anchoring elements comprise a partially spherical portion.